

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:14-CV-049-RLV-DCK**

**BRIAN M. CHIVERS,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,  
Commissioner of Social Security  
Administration,**

**Defendant.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Petition For Attorney Fees Under The Equal Access To Justice Act” (Document No. 18) filed October 17, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of Defendant’s counsel, the undersigned will grant the motion.

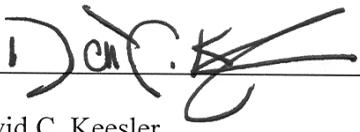
**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Petition For Attorney Fees Under The Equal Access To Justice Act” (Document No. 18) is **GRANTED**.

**IT IS FURTHER ORDERED** that the United States Social Security Administration shall pay attorney’s fees in the amount of four thousand twenty-three dollars and seventy-five cents (\$4,023.75) in full satisfaction of any and all attorney’s fee claims Plaintiff may have in this case under the Equal Access To Justice Act (“EAJA”). Pursuant to the United States Supreme Court’s ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney’s fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department’s Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject

this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel.

**SO ORDERED.**

Signed: October 21, 2014

  
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David C. Keesler  
United States Magistrate Judge

